



February 13, 2009

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## SENATE BILL No. 440

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DIGEST OF SB 440 (Updated February 11, 2009 4:25 pm - DI 104)

**Citations Affected:** IC 16-41.

**Synopsis:** Indoor air quality. Requires the state department of health (SDOH) to adopt rules concerning indoor air quality in schools and state agencies. Provides that after the SDOH inspects a school or state agency for indoor air quality as the result of a complaint, the SDOH must report certain information. Provides that such a complaint must be in writing and may be made by electronic mail. Allows the SDOH to release the name of a complainant only if the complainant has authorized the release in writing. Requires the SDOH to post minutes of each meeting of the air quality panel on the SDOH web site not later than 45 days after the meeting. Requires the SDOH to: (1) distribute a manual of best practices for managing indoor air quality at schools and allows SDOH to use a manual developed by other states and federal health and environmental agencies; and (2) review and revise the manual at least once every three years.

**Effective:** July 1, 2009.

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### Gard, Landske, Breaux, Mrvan

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January 14, 2009, read first time and referred to Committee on Health and Provider Services.  
February 12, 2009, amended, reported favorably — Do Pass.

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SB 440—LS 6485/DI 52+



February 13, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE BILL No. 440

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-41-37.5-2, AS AMENDED BY P.L.79-2008,  
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 2. (a) The state department ~~may~~ **shall before July**  
4 **1, 2010:**

5 (1) adopt rules under IC 4-22-2 to establish an indoor air quality  
6 inspection, ~~and~~ evaluation, **and employee notification** program  
7 to assist ~~schools~~ and state agencies in ~~developing plans to~~  
8 **improve improving** indoor air quality; **and**

9 (2) **amend 410 IAC 6-5.1 or adopt new rules under IC 4-22-2**  
10 **to do the following:**

11 (A) **Establish an indoor air quality inspection, evaluation,**  
12 **and parent and employee notification program to assist**  
13 **schools in improving indoor air quality.**

14 (B) **Establish best practices to assure healthful indoor air**  
15 **quality in schools.**

16 (b) **Subject to subsection (c),** the state department shall:

17 (1) inspect a school or state agency if the state department

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receives a complaint about the quality of air in the school or state agency;

**(2) prepare a report, which may be in letter form, that:**

**(A) describes the state department's inspection findings;**

**(B) identifies any conditions that are contributing or could contribute to poor indoor air quality at the school or state agency, including:**

**(i) carbon dioxide levels;**

**(ii) humidity;**

**(iii) evidence of mold or water damage;**

**(iv) excess dust; and**

**(v) odors;**

**(C) provides guidance on steps the school or state agency should take to address any issues; and**

**(D) requests a response from the school or state agency not later than sixty (60) days after the date of the report;**

~~(2)~~ **(3) report the results of the inspection to:**

**(A) the person who complained about the quality of air;**

**(B) the school's principal or the state agency head;**

**(C) the superintendent of the school corporation, if the school is part of a school corporation;**

**(D) the Indiana state board of education, if the school is a public school or an accredited nonpublic school;**

**(E) the Indiana department of administration, if the inspected entity is a state agency; and**

**(F) the appropriate local or county board of health; and**

~~(3)~~ **(4) assist the school or state agency in developing a reasonable plan to improve air quality conditions found in the inspection.**

**(c) A complaint referred to in subsection (b)(1):**

**(1) must be in writing; and**

**(2) may be made by electronic mail.**

**(d) The state department may release the name of a person who files a complaint referred to in subsection (b)(1) only if the person has authorized the release in writing.**

SECTION 2. IC 16-41-37.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 2.5. (a) Before July 1, 2010, the state department shall distribute a manual of best practices for managing indoor air quality at schools as described in this section. The state department may use a manual on indoor air quality in schools developed by a federal health or environmental agency or another state and make additions or revisions to the manual, with**

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the input and advice of the air quality panel established by section 3 of this chapter, to make the manual most useful to Indiana schools. The state department shall provide the manual:

(1) to:

(A) the legislative council; and

(B) the department of education;

in an electronic format under IC 5-14-6; and

(2) to the facilities manager and superintendent of each school corporation.

(b) The department shall review and revise the manual developed under subsection (a) at least once every three (3) years to assure that the manual continues to represent best practices available to schools.

SECTION 3. IC 16-41-37.5-3, AS AMENDED BY P.L.79-2008, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The air quality panel is established to assist the state department in carrying out this chapter.

(b) The panel consists of the following members:

(1) A representative of the state department, appointed by the commissioner of the state department.

(2) A representative of the department of education, appointed by the state superintendent of public instruction.

(3) A representative of the Indiana department of administration, appointed by the commissioner of the Indiana department of administration.

(4) A member of the governing body of a school corporation, appointed by the state superintendent of public instruction.

(5) A teacher licensed under IC 20-28-4 or IC 20-28-5, appointed by the governor.

(6) A representative of a statewide parent organization, appointed by the state superintendent of public instruction.

(7) A physician who has experience in indoor air quality issues, appointed by the commissioner of the state department.

(8) An individual with training and experience in occupational safety and health, appointed by the commissioner of the department of labor.

(9) A mechanical engineer with experience in building ventilation system design, appointed by the governor.

(10) A building contractor with experience in air flow systems who is a member of a national association that specializes in air flow systems, appointed by the governor.

(11) A member of a labor organization whose members install,

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1 service, evaluate, and balance heating, ventilation, and air  
 2 conditioning equipment, appointed by the governor.

3 (12) An individual with experience in the cleaning and  
 4 maintenance of commercial facilities, appointed by the governor.

5 (c) The chairperson of the panel shall be the representative of the  
 6 state department.

7 (d) The panel shall convene **at least twice annually** at the  
 8 discretion of the chairperson.

9 **(e) The state department shall post minutes of each meeting of**  
 10 **the panel on the state department's web site not later than**  
 11 **forty-five (45) days after the meeting.**

12 ~~(e)~~ (f) The state department shall provide administrative support for  
 13 the panel.

14 ~~(f)~~ (g) The panel shall:

15 (1) identify and make available to schools and state agencies best  
 16 operating practices for indoor air quality; and

17 (2) assist the state department in developing plans to improve air  
 18 quality conditions found in inspections under section 2 of this  
 19 chapter.

20 ~~(g)~~ (h) The state department shall prepare and make available to the  
 21 public an annual report describing the panel's actions.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 440, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 30, after "writing;" insert "**and**".

Page 2, line 31, delete "; and" and insert ".".

Page 2, delete line 32.

Page 2, line 39, delete "develop" and insert "**distribute**".

Page 2, line 40, delete "schools. For purposes of developing" and insert "**schools as described in this section. The state department may use a manual on indoor air quality in schools developed by a federal health or environmental agency or another state and make additions or revisions to the manual, with the input and advice of the air quality panel established by section 3 of this chapter, to make the manual most useful to Indiana schools.**".

Page 2, delete lines 41 through 42.

Page 3, delete line 1.

Page 3, line 2, delete "environmental agencies.".

and when so amended that said bill do pass.

(Reference is to SB 440 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 11, Nays 0.

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